

ESTTA Tracking number: **ESTTA143652**

Filing date: **06/01/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Sint, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	Nemours Building, Suite 1410 1007 Orange Street Wilmington, DE 19801 UNITED STATES		
Attorney information	Howard F Mandelbaum Levine & Mandelbaum 444 Madison Avenue 35th Floor New York, NY 10022 UNITED STATES mail@levman.com Phone:(212) 588-9800		

Registration Subject to Cancellation

Registration No	2515034	Registration date	12/04/2001
Registrant	HEILIG-MEYERS COMPANY 12560 West Creek Parkway Richmond, VA 23238 UNITED STATES		
Goods/Services Subject to Cancellation	Class 035. First Use: 2000/11/23 , First Use In Commerce: 2000/11/23 Goods/Services: retail furniture and home furnishing store services		
Grounds for Cancellation	Abandonment Trademark Act section 14		

Attachments	SLPY0650US Petition to Cancel.pdf (2 pages)(36305 bytes)
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Signature	/Howard F Mandelbaum/
Name	Howard F Mandelbaum
Date	06/01/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration of: HEILIG-MEYERS COMPANY

Registration No.: 2,515,034

Service Mark: **IT'S ALL ABOUT YOU!**

Issued: December 4, 2001

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SINT, INC. Petitioner,

v.

HEILIG-MEYERS COMPANY, Respondent.

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PETITION TO CANCEL SERVICE MARK REGISTRATION

SINT, INC., having a place of business at Nemours Building, Suite 1416, 1007 Orange Street, Wilmington, DE 19801 believes that it is damaged by Registration No. 2,515,034, and hereby petitions to cancel this registration.

As grounds for the petition, it is alleged that:

1. On January 31, 2007, Petitioner applied to register in the Patent and Trademark Office the service mark IT'S ALL ABOUT YOU!, for retail bedding store services and retail telephone order services in the field of bedding, the application being identified by Serial No. 77/096,120.

2. In an office action dated May 22, 2007, the Examining Attorney refused registration of Petitioner's mark

on the ground that it is confusingly similar to Respondent's mark covered by Registration No. 2,515,034.

3. Respondent's registration covers "retail furniture and home furnishing store services".

4. Petitioner has made an investigation which suggests that Respondent, HEILIG-MEYERS COMPANY, is no longer in business, and hence is not using the service mark IT'S ALL ABOUT YOU!.

5. Petitioner is damaged by the continued existence of the Respondent's registration, since that registration constitutes an impediment to registration of Petitioner's service mark IT'S ALL ABOUT YOU!.

6. Upon information and belief, use of the mark IT'S ALL ABOUT YOU!, shown in the registration sought to be cancelled, has been abandoned within the meaning of that term as defined in Section 45 of the Trademark Act of 1946.

WHEREFORE, Petitioner prays that this petition be sustained and that Registration No. 2,515,034 be cancelled.